



CHAPTER V

WISCONSIN STATE EMPLOYEE LABOR HISTORY

The movement for organizing state employees in Wisconsin got underway during the height of the Great Depression. Colonel A.E. Garey, then director of the civil service, met with outgoing Governor Phillip La Follette, a progressive Republican, to propose a new association of state employees.¹ As a result of Garey's efforts, the Wisconsin State Employees Association was formed. The WSEA's members initially were mainly professional employees.



Colonel A.E. Garey,
Wisconsin Civil Service Director
later AFSCME legal counsel.
AFSCME photo

The new Association sought a charter from the American Federation of Labor. The AFL trade unions, comprised of carpenters and plumbers, were uneasy about expanding membership to include college-educated, professional public employees. Nevertheless, the AFL granted a charter to the WSEA in 1932.²

Following the November 1932 elections, Democrats swept into elective offices

across the nation on the coattails of Franklin Delano Roosevelt's overwhelming defeat of Herbert Hoover. In Wisconsin, Democrat A. G. Schmedeman was elected Governor, ousting La Follette.

The new administration, in an effort to take control of state government, quickly introduced a bill to dismantle the civil service. Roy Kubista, who later became the long-serving president of the Wisconsin State Employees Union, vividly describes the climate:

One of the first bills introduced in the State Senate in 1933 was a bill to repeal the civil service law. They were that anxious. Colonel Garey told me things were chaotic when the legislature convened in 1933. Unemployed people were camped in the corridors of the Capitol, waiting for the repeal so they could get the jobs that were freed up.³

The WSEA, with assistance from the AFL, managed to defeat the bill. The WSEA's success in helping preserve the civil service sparked interest among state employees in the organization. At the time, the Association included approximately 1,000 members.

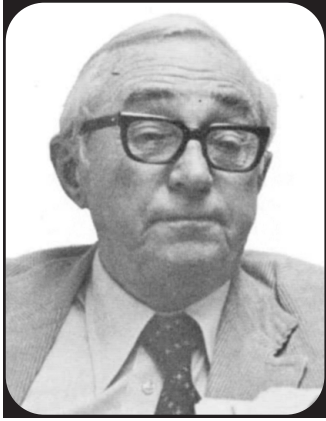
In 1934, Roy Kubista became executive director of the WSEA, which in time became AFSCME Council 24-Wisconsin State Employees Union. Kubista held that position until his retirement in 1970.

FORMATION OF AFSCME

Arnold S. Zander, a state personnel examiner who was active in the WSEA, began to promote the founding of a national union for public employees, hoping to gain AFL approval. In 1935, the fledgling union became a "department" of the American Federation of Government Employees, an AFL affiliate. Zander subsequently increased pressure on the AFL to issue a separate charter for an international union with the name American Federation of State, County and Municipal Employees (AFSCME).

AFSCME was granted a separate charter as an international union by the AFL in 1935.⁴ Zander was elected as AFSCME's first international president and Roy Kubista was elected secretary-treasurer.

Due perhaps to its civil service origins, AFSCME's initial focus was not on winning the right to collective bargaining, but on promoting and protecting the civil service. Its initial victories were made through lobbying and legislation. Under Kubista's leadership, the



*AFSCME photo
Roy Kubista, first Secretary-
Treasurer of AFSCME and long-
serving executive director of WSEU*

WSEA's lobbying efforts won state employees a 40-hour work week during the 1940s—some two decades before a 40-hour week was granted under federal law to other workers. Kubista also negotiated the first state-employee cost-of-living bonus in the country, and in 1943 helped draft the law creating the Wisconsin Retirement System, the pension plan for state and many other public employees.⁵

AFSCME Council 24-WSEU is now the largest state employee union in Wisconsin. WSEU—AFSCME Council 24 today represents over 20,000 classified state employees in five bargaining units: Blue Collar, Administrative Support, Professional Social Services, Technical, and Security and Public Safety.

Marty Beil, executive director of WSEU, commented on the special significance that the anniversary of the Wisconsin civil service holds for WSEU's members:

The Wisconsin State Employees Union was formed some 70 years ago by the same folks who founded the state civil service system. They understood the need to depoliticize state employment and were the catalyst for the civil service system that we have today. That same group of about 30 state employees launched AFSCME, now some 1.2 million members strong, all of whom believe deeply in protecting and strengthening civil service systems. We're proud that Wisconsin was among the first states to have a civil service system, and we're proud that AFSCME was founded here.⁶

THE AMERICAN FEDERATION OF TEACHERS

The American Federation of Teachers also holds a significant place in Wisconsin's public-sector labor history. Formed primarily as a teachers' union in 1933, AFT-Wisconsin today represents over 17,000 employees in a wide range of professional occupations in Wisconsin.

The American Federation of Teachers was created in 1916 in Chicago by teacher groups from Chicago; Gary, Indiana; New York City; Scranton, Pennsylvania; and Washington, D.C. Within a month after its formation, the union received a charter from the American Federation of Labor.⁷ The new union experienced rapid growth, with 174 locals chartered in the first four years.

The AFT struggled to survive during the economic strife, job insecurity, and union-hostile climate of the Great Depression. Under mounting anti-union pressure from local school boards, AFT membership dropped to fewer than 5,000 during the 1930s—about half the membership of 1920. Teachers were dismissed for joining the AFT. "Yellow-dog" contracts, which required teachers to promise not to join a union, were common.⁸ In 1932, Congress outlawed such contracts in the Norris-LaGuardia Act, one of the first laws to protect the rights of workers to unionize. The AFT's membership again began to increase. The Wisconsin Federation of Teachers (now AFT-Wisconsin) was created in 1933. By the end of the 1930s, the AFT's national membership had soared to 32,000 members.

As early as the late 1940s, the union began to play a significant role in the nascent civil rights movement. In 1948, the union stopped chartering segregated locals. In 1957, after the Supreme Court issued its decision in *Brown v. Board of Education*, the AFT expelled all locals that refused to desegregate. The union continued to be actively involved the civil rights movement throughout the 1960s.⁹

AFT's membership continued to expand throughout the 1960s, growing from less than 60,000 members in 1960 to more than 200,000 by 1970.¹⁰ By the mid-1970s, the AFT was the fastest-growing union in the AFL-CIO.

Given AFT's origins as a teachers' union and its long-standing involvement in public education, the first state employee groups to join AFT-Wisconsin were, unsurprisingly, units representing employees in public higher education. The Milwaukee Graduate Assistant Association, representing teaching, project, and program assistants at the University of Wisconsin-Milwaukee, received its charter from AFT-Wisconsin in 1971; the Teaching Assistants' Association, representing teaching, project, and research assistants at the UW-Madison, was chartered in 1973.

Beginning in the mid-1970s, the AFT began to be involved in organizing other groups of professional public employees, in conjunction with the AFL-CIO.¹¹ During the 1980s, new constituencies sought representation by the AFT, attracted in part by its growing expertise on issues affecting professional employees. In 1983, the AFT created a division for local, state and federal employees. With its expanded scope, the union focused on new issues such as healthcare costs, privatization, state and local budget analysis, and more to serve these new groups.¹²

Thus, by the mid-1980s, the AFT had established itself as a leading professional public employees union, with a membership and scope of interest that extended far beyond its origins as a teachers union. AFT today describes itself as "A Union of Professionals."

In accordance with this trend, several other State of Wisconsin employee groups, representing employees in a range of professions, joined AFT-Wisconsin. The earliest was the Wisconsin Science Professionals, chartered in 1977. By 1996, charters had been granted to five more bargaining units, covering classified civil service employees in occupations ranging from state public defenders to physicians to information technology professionals. All told, AFT-Wisconsin now represents over 10,000 State of Wisconsin employees.

Bob Beglinger, long-serving president of AFT-Wisconsin, explained why professional state employee groups were attracted to AFT-Wisconsin:

The professional employee groups were looking for an organization that could provide quality representation to improve their work sites, and also to help them improve the quality of services they provide to the State of Wisconsin.

Recollections of a State Employee Labor Leader

I was founder of the State Health Insurance Program in 1944. When I was the Treasurer of Local 13 at Mendota State Hospital, a representative of a firm named Association Hospital Inc. visited me, proposing a Group Hospital Plan for the Local Unions. The members approved it. The premium was \$1.50 per month. I collected premiums each month and sent a union check to the firm which was located in Milwaukee.

Sometime later Council 24 succeeded in getting the Legislature to pass a bill which established the Health Insurance Program statewide, with a deduction of premiums from the monthly checks which were sent to insurer.

At the time when Local 13 was in control of the plan, one had to be a member of the union in order to have the insurance. Hence, it was not long before nonmembers were joining the union in order to get the insurance. That of course changed when the state took over the state health insurance program.

My wife and I had a combined total 70 years of service with the state, and were members of union all those years.

During my career as a union leader, I held leadership positions at every level of hierarchy, including president of Council 24 and 16 years as a vice president of AFSCME. I was Assistant Director of Council 24 for 16 years before taking my retirement in 1969.

—Steve Clark

Our public employees in Wisconsin have a longstanding interest in improving the quality of life they support in Wisconsin. They want quality contracts and working conditions, but they also are interested in helping provide a better life for the citizens of Wisconsin. AFT-Wisconsin was able to meet those needs.¹³

COLLECTIVE BARGAINING LEGISLATION

The National Labor Relations Act of 1935, known as the Wagner Act, granted collective bargaining rights to private sector employees in companies engaged in interstate commerce. The Wagner Act prescribes the rules under which unions and covered employers must bargain. Many states have enacted so-called “baby Wagner Acts,” extending collective bargaining rights to employees of private companies operating within the state.

The Wagner Act does not apply to public sector employees. Rather, each state is free to establish its own laws regarding the bargaining rights of its public sector employees.

The strength and scope of state public employee bargaining laws varies significantly. Some states, such as North Carolina, Colorado, Tennessee, and Virginia, prohibit collective bargaining by state employees altogether.¹⁴ Three states recently abolished collective bargaining rights that had previously been granted to state employees by executive order, and vacated the existing collective bargaining agreements.¹⁵

Wisconsin is one of 27 states that authorize collective bargaining for state employees. State law contains an express statement of support for the collective bargaining rights of state employees:

It is the policy of this state, in order to preserve and promote the interests of the public, the employee and the employer alike, to encourage the practices and procedures of collective bargaining in state employment.¹⁶

Wisconsin’s first collective bargaining law for public employees was passed in 1959 and signed by Governor Gaylord Nelson. That law applied to municipalities, cities, and counties, but not to state employees.

In the 1960s, the Wisconsin State Employees Union pressured the legislature to establish collective bargaining for state employees. In January 1967, the State Employment Labor Relations Act (SELRA) became law.¹⁷ SELRA established limited collective bargaining on issues such as seniority, grievance procedures, work schedules, vacations, sick leave, health and safety, and interpretation of work rules. However, economic matters such as wages were excluded from bargaining.

Both the union and management were dissatisfied with the initial law. The union wanted to negotiate on substantive issues of economics, and management was concerned that the list of mandatory subjects of bargaining restricted management rights. With no economics on the table, neither party had much room to negotiate.

Governor Warren Knowles established an Advisory Committee on State Employment Relations led by H. Edwin Young, economics professor and chancellor at UW-Madison.

The Governor’s Advisory Committee met from February 1969 to September 1970. The committee heard testimony from seventy-nine presenters on seventeen meeting days. The committee sought to address several large questions: the scope of bargainable subjects; relationship of bargaining to civil service; structure of bargaining units; work stoppages and impasse procedures; union security; status of higher education faculties; and status of supervisors and managers.

The Committee’s recommendations essentially outline state labor relations law as we know it today. The recommendations included the following:

- The civil service merit recruitment process should be excluded from collective bargaining.¹⁸
- Wages, hours and conditions of employment should be mandatory subjects of bargaining.
- Other areas should be “permissive” subjects of bargaining, essentially a recognition of management rights.

- A Bureau of Labor Relations should be established in the executive branch to negotiate on behalf of the state, and the Joint Committee on Employment Relations established on the legislative side to approve a contract or send it back for renegotiation, with final approval by the full legislature.
- Bargaining units should be formed based on “community of interest,” with the Wisconsin Employment Relations Commission having final authority to determine which classifications were appropriately included in the unit.
- State employees should not have the right to strike.
- Employees who chose not to join the union should still pay a fair share contribution toward representation costs.
- Higher education faculties, supervisors, and managers should be excluded from bargaining. Current law allows some supervisors to be represented but not by the same union as their subordinates.

SELRA was amended in 1971 in accordance with the Committee’s recommendations. The essential recommendations of Governor Knowles’ Advisory Committee on State Employment Relations are still in effect today.

UNION REPRESENTATION OF TODAY’S STATE GOVERNMENT WORKFORCE

Today, about 85% of classified state employees are represented by a labor union. In addition to WSEU and AFT-Wisconsin, each of which represent several bargaining units, state employees are represented by several independent associations, including the Association of State Prosecutors, the State Engineering Association, the Wisconsin Law Enforcement Association, and the Wisconsin State Attorneys Association. Registered nurses and other health care professionals are represented by United Professionals for Quality Health Care, affiliated with the Service Employees International Union (SEIU). State of Wisconsin teachers and other education and information professionals are represented by the Wisconsin Education Association Council, an affiliate of the National Education Association (NEA). Altogether, the current state workforce includes over 35,000 represented employees in 19 bargaining units.

Union representation of state employees has played an important role in the history of the civil service. Civil service rules aim to insulate the hiring process from political abuses, to provide citizens with equal opportunity and access to state jobs, and to protect employees from politically-motivated job loss. Union representation, in turn, allows state employees to collectively negotiate with their employer for fair wages, hours, and working conditions. The net result is a working environment governed by the principles of merit, fairness, and due process, ensuring that essential services are delivered to Wisconsin’s citizens by effective and productive state employees.

—Dean Paynter,
Susan Crawford

A Long Serving State Employee Labor Leader on the History of AFSCME and WSEU

In reviewing the history of the union, one must take a look at the political situation that existed at the time of its birth. Herbert Hoover was the President of the United States and Philip La Follette was Governor of Wisconsin; the latter was one of the so-called Progressive Republicans and a son of former U.S. Senator Robert La Follette, Sr. Most of the administration at the time were Progressives, including Colonel A.E. Garey who was the prime mover to form an employee association. With the United States in the midst of a severe depression, Garey, who was the Director of the State Bureau of Personnel, sensed that the coming election in November, 1932 would likely be won by the Democrats who were gaining strength across the nation.

This being the case, Garey was fearful that if the Democrats gained control of the government, there would be a concerted effort by a Democratic Governor to replace key administrators with members of his party, the results of which would undermine the civil service system. As a consequence, Garey set the wheels in motion to form an organization of state employees who might be affected by political changes of the Democrats.

True to Garey's prediction, Democrats swept into office as a result of the Roosevelt landslide, bringing into office Governor A.G. Schmedeman, who was prominent in the state Democratic party. In the meantime Garey et al. were successful in the effort to form an organization called the Wisconsin State Administrative Employees Association.

At the behest of Garey, Arnold S. Zander, who at the time was a personnel examiner, became the financial secretary of the organization, which by then had become moderately successful in its efforts to recruit members.

Following Governor Schmedeman's assuming office, he and certain of his cohorts in the legislature launched an investigation into the operations of public welfare institutions, which was politically inspired and was designed to bring about the replacement of high level administrators, including John H. Hammond, Director of what was then the Department of Public Welfare. Needless to say, this caused

much unrest among state employees statewide who feared loss of their jobs.

Zander and leaders of the organization hastily took advantage of the situation. The decision was made to broaden the jurisdiction of the organization to include all classifications of state employees.

While the investigation of the institutions did focus the attention of the public on the deplorable conditions existing in mental and correctional institutions, it also brought to light the problems that employees had in taking care of the wards of the state; salaries were in many cases only \$50 per month for a 72 hour week in mental hospitals, with no fringe benefits.

From the start, Garey and Zander had sought the cooperation of the Wisconsin State American Federation of Labor. The late Henry Ohl, who was President of the Federation at the time, accompanied them to a meeting with Governor La Follette in 1932, at which they informed him of their intentions in the organization of state employees. La Follette too was concerned about what might happen if the Democratic Party gained power in the Fall election. As a result of La Follette's agreement the organizational effort picked up steam.

It should be noted that while the state AFL acquiesced with the effort to organize state employees, there were those who did not like to be identified with labor movement. Also, the AFL national leadership at the time opposed industrial organization where all classifications of employees joined a single union, as opposed to craft organizations of carpenters, painters, etc. Subsequently, Walter Reuther of the United Automobile Workers and John L. Lewis of the United Mine Workers changed all of that with the formation of the Committee on Industrial Organization (CIO).

This gave rise to conflict between the hardliners in the AFL and the industrial union leadership in the efforts to organize the workers throughout the country. Some years later, agreement was finally reached between the unions; their

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merger into the AFL-CIO brought about substantial growth in the labor movement, including the Wisconsin State Employees Association Council 24.

While there was a modicum of job protection for state employees under civil service rules, there were abuses in the system such as discrimination against those who might challenge their boss and the so-called "rule of three" which made it possible for a department head to select an applicant who didn't score the highest in a competitive examination. Thus, charges of favoritism were commonplace. Zander, together with many Chapter officers and union members, continued to press forward in the effort of develop a program of union objectives to improve working conditions, such as higher salaries, reduction of the work week, mandatory vacations, a retirement system, etc.

In the 1933 legislative session, a bill was introduced that would have gutted the civil service. Through the efforts of the fledgling Association and the state AFL, the bill was defeated. As a result there was growing interest by state employees in what the organization was doing on their behalf. At the time there were approximately 1,000 members in the Association.

In the meantime, Zander and his followers began to turn their attention to the possibility of founding a national union for public employees, hoping to gain AFL approval for an international union. There was great potential for such an organization, due to the existence of independent groups in other states. The group in New York had 12,000 members and the city of Philadelphia had a sizable group. After much consultation with AFL leaders, it was agreed that AFSC&ME would be granted a charter as a branch of the American Federation of Government Employees (AFGE).

It wasn't long before Zander and leaders of many chapters and locals became unhappy with the paternalistic AFGE attitude. Subsequently, Zander increased his pressure on the AFL to issue a separate charter for an international union with the name of the American Federation of State, County and Municipal Employees (AFSC&ME). In May 1933 the statewide group of Chapters became Local #1.

In November 1933, then AFL President William Green, in a letter to Zander, urged him to call a convention for the purpose of determining if AFSC&ME members wanted a separate charter. Such a meeting was held at the Morrison Hotel in Chicago on September 17, 1936, where

the delegates gave strong support for a separate charter. A constitution was adopted and Zander was formally elected as President, with Roy Kubista the Secretary/Treasurer.

The newly adopted constitution, among other provisions, contained a section which set the procedure necessary for affiliation with AFSC&ME. As a consequence, the various public employee organizations subsequently changed their structures from chapters to local unions with autonomy in their respective public service jurisdictions, with the proviso that there be affiliation with State Federations of Labor. This affiliation was originally voluntary, but became compulsory as a result of action taken by delegates at a later AFSC&ME convention.

Another article in the constitution provided for the formation of councils within a public service jurisdiction, whereby locals could join in the common effort to secure benefits for union members and to sponsor legislation at all levels of state, county and municipal government of behalf of the members. The Wisconsin State Employees Union was one of the first to form a council, now known as Council 24. In due time, AFSC&ME Councils were formed at all levels throughout the country, among them Councils 40 and 48 here in Wisconsin.

Roy Kubista became director of Council 24, holding this position until his retirement. Robert Oberbeck became director of Council 40. John Zinos was selected in Milwaukee District Council 48. As time passed, AFSC&ME became the dominant union organization for state, county and municipal employees with a membership nationally of more than one million members.

In due time, with the advent of collective bargaining, the leadership of the union at all levels began to steer away from civil service as the principal means to secure financial gains and fringe benefits. The result of union organization since the National Labor Relations Act was enacted during the Roosevelt Administration in the 1930s has been financial security and dignity for millions of public employees.

Union organization has also redounded to the benefit of our country's citizens by providing a competent and well-paid workforce in all levels of the government. Its leaders and members past and present are deserving of great credit for their accomplishments over the years.

—Steve Clark